

May 17, 2022

**Via ECF**

Hon. Katherine Polk Failla  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

**Re: *United States v. McKelvy*  
21 Cr. 216**

Dear Judge Failla:

I represent Tywon McKelvy.

With the consent of Probation Officer Darren Riley, I write to request that the location monitoring condition of Mr. McKelvy's compassionate release be removed and for the remainder of his term of Home Detention to be converted to a term of Supervised Release.

On October 20, 2020, the Hon. Raymond A. Jackson of the United States District Court for the Eastern District of Virginia granted Mr. McKelvy's motion for compassionate release, and resented him as follows:

Petitioner's sentence is reduced to TIME SERVED. Upon release, Petitioner shall be on supervised release for five years with a special condition of sixty (60) months home confinement. With respect to Petitioner's home confinement conditions, the Court orders as follows:

1. Petitioner shall be on Home Detention, which shall include either electronic monitoring or GPS monitoring at the Petitioner's expense, for a period of 60 months. During this time, Petitioner shall remain at Petitioner's place of residence except for employment and other activities approved in advance by the probation officer.
2. While on home detention, Petitioner shall maintain a telephone at his place of residence without party lines, telephone answering machines, a modem, call forwarding, caller ID, call waiting or any other devices or services that may interfere with the proper functioning of the electronic monitoring equipment for the above period. Petitioner shall wear an electronic monitoring device, follow electronic monitoring procedures, and pay the cost of electronic monitoring, all as directed by the probation officer.

(The entire decision is attached to this letter.)

Mr. McKelvy's supervision was transferred to the Southern District of New York in March of 2021. He has maintained employment and has had no issues with supervision since his arrival. Probation Officer Riley speaks highly of him.

Mr. McKelvy speaks of his inability to visit with his children and his mother's grave, among other things, under current release conditions. He also relates that he loves his job and is in a good place in life, with no intention of doing anything differently if given additional freedoms.

As evidenced by the attached letters, he is well-liked by his coworkers and supported by members of the community. He will accept any restrictions imposed by the Court or the Probation Department, but he has proven himself reliable and trustworthy. As such, we respectfully suggest that home detention and location monitoring are overly burdensome and no longer necessary.

Thank you for your consideration.

Respectfully submitted,



Peter E. Brill

Application GRANTED. The remainder of Mr. McKelvy's term of home detention is hereby converted to a term of supervised release. Further, the conditions of Mr. McKelvy's supervised release are hereby modified to exclude location monitoring. The Clerk of Court is directed to terminate the pending motion at docket number 6.

Dated: May 18, 2022  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE